

iv) State Street Global Advisors, a division of State Street Bank & Trust Company, is an incorporated entity, incapable of suit in its own name.

WHEREFORE, for the reasons set forth more fully in Defendants' Memorandum of Law, Defendants request that the Court dismiss the Complaint.

REQUEST FOR ORAL ARGUMENT

Defendants believe that oral argument may assist the Court in deciding the issues presented by this motion. Defendants accordingly request a hearing pursuant to Local Rule 7.1(D).

Dated: June 22, 2009

Respectfully submitted,

s/ Lori A. Martin

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2009, I caused a copy of this Document to be served electronically, via the electronic filing system, on the registered participants as identified on the Notice of Electronic Filing (NEF) and by first-class mail on those indicated as non-registered participants.

/s/ Lori A. Martin

Lori A. Martin